

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

Bail Appl..No. 7456 of 2007()

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CRIME NO. 650 OF 2007 OF MEDICAL COLLEGE POLICE STATION

PETITIONER:ACCUSED  
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SAMEERKUMAR SINGH, S/O.SHAILENDRA SINGH,  
AGED 32 YEARS, PRESENTLY RESIDING AT B-32,  
P & T QUARTERS, KESAVADASAPURAM,  
THIRUVANANTHAPURAM.

BY ADV. SRI.RAM MOHAN.G.  
SRI.G.P.SHINOD  
SRI.MANU V.

RESPONDENTS: COMPLAINANT STATE AND ITS OFFICER  
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1. STATE OF KERALA, REPRESENTED BY ITS  
PUBLIC PROSECUTOR AT THE HIGH COURT OF KERALA,  
ERNAKULAM.
2. THE CIRCLE INSPECTOR OF POLICE,  
MEDICAL COLLEGE POLICE CIRCLE,  
MEDICAL COLLEGE POLICE STATION  
COMPOUND, MEDICAL COLLEGE P.O.,  
THIRUVANANTHAPURAM - 695 011.
3. THE SUB INSPECTOR OF POLICE,  
MEDICAL COLLEGE POLICE STATION,  
MEDICAL COLLEGE P.O.,  
THIRUVANANTHAPURAM - 695 011.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 06/12/2007, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**R. BASANT, J.**

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B.A.No. 7456 of 2007  
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Dated this the 6th day of December, 2007

**ORDER**

Application for anticipatory bail. The petitioner is the husband of the defacto complainant. He faces allegations under Section 498A I.P.C. The victim wife, a Post Graduate, and the petitioner both hail from Uttar Pradesh. The petitioner is working as Inspector, Posts, RMS “TV” 1<sup>st</sup> Sub Division, Trivandrum.

2. The crux of the allegations against the petitioner is that the wife, who was taken to city of his work, was subjected to inhuman cruelty on the plea that she was older than what her father represented her to be at the time of marriage. It is further alleged that she was forced to bring more money and properties from her parents. She could not do that. On account of that she was subjected to cruelty. The allegations reveal that the wife was hit with an iron chain. She managed to escape and run out of the house. She took shelter from neighbours. She was sent to

the hospital. It is thereafter that the F.I.R. was registered. Her parents, on getting information, came from Uttar Pradesh. Investigation is in progress. The petitioner has not been arrested so far. He apprehends imminent arrest.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The father of the defacto complainant is a very influential person. He has made use of his influence and made false allegations against the petitioner. The petitioner's interest will be greatly affected if he were arrested and detained. He is likely to lose his employment if he goes to custody.

4. The learned Prosecutor opposes the application. He submits that all the sublime concern to save the institution of marriage cannot operate in the facts and circumstances of the case in favour of the petitioner. The allegations reveal the depravity of mind of the petitioner. There was an earlier matrimonial proceedings. The husband had claimed restitution of conjugal rights. The lady has come before the Family Court. Settlement was arrived at. It is thereafter that they were residing together.

5. The learned Prosecutor has placed the case diary before me, which reveals the nature of the alleged cruelty inflicted on the wife. She was beaten with an iron chain. She bore telltale marks of such violence. The learned Prosecutor has drawn my attention to the statements of the neighbours, which also clinchingly support the version of the lady. In these circumstances I am satisfied that this is not a fit case where anticipatory bail can be granted to the petitioner.

6. Having considered all the relevant inputs, I find merit in the opposition by the learned Prosecutor. I am unable to find any features in this case, which would justify the invocation of the extra ordinary equitable discretion under section 438 Cr.P.C. in favour of the petitioner. This I am satisfied is a fit case where the petitioner must be directed to appear before the Investigator or the learned Magistrate having jurisdiction and then seek regular bail in the ordinary course.

5. This application is accordingly dismissed.

**(R. BASANT)**  
Judge

B.A.No. 7456 of 2007